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REMARKS

Claims 1-27 are currently pending in the subject application and are presently under consideration. Claims 1, 3, 4, 5, 8, 9, 10, 19, 23, 26 have been amended to further emphasize various aspects of the present invention. A clean version of all pending claims is found at pages 2-6.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-27 Under 35 U.S.C. §103(a)

Claims 1-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kind (U.S. 6,415,434 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Kind does not teach or suggest all limitations as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). An examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done. *Ex parte Levengod*, 28 USPQ2d 1300 (P.T.O.B.A.&I. 1993).

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Claims 1, 8, 9, 19, 23 and 26 are independent claims. Claims 2-7, 10-18, 20-22, 24-25 and 27 depend from independent claims 1, 9, 19, 23 and 26 respectively.

Rejection of Claims 1-7 Under 35 U.S.C. §103(a)

Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kind. As amended, independent claim 1 (and similarly, amended independent claims 8, 9, 19, 23 and 26) recites *a system for facilitating interactions between a first entity and a second entity via at least one common aspect*, where the entities have a mismatched data type. The system includes *a data type identifier* that identifies whether the first entity and the second entity have a mismatched resolvable data type and *a data type resolver* that resolves interactions between the first entity and the second entity by resolving the mismatched data type *in accordance with the at least one common aspect*.

The present invention generally relates to distributed object systems, and more particularly to providing distributed data types that provide resiliency between mismatched client and server data types, where the mismatch may involve data aspects (e.g., attributes) and/or behavior aspects (e.g., methods), and where the distributed data type may be incrementally extensible. (See, Technical Field).

Kind fails to teach or suggest such claimed aspects. Rather, Kind is directed to a method and apparatus for resolving method overloading at runtime that includes accessing an application programming interface file to retrieve methods that belong to the same class as a target method to select an exact method, which is a method where a data type of each of the parameters of the exact method is the same data type of a corresponding parameter of the target method, and if there is no exact method, to find a best method, which is a best method that most closely matches the target method. (See, Abstract).

In other words, unlike the present invention that discloses and claims comparing and resolving data types based upon commonality to facilitate interaction (e.g., communication) between entities, Kind merely discloses and suggests a method of resolving overloading at runtime *via* retrieving a similar or best method.

As to independent claim 1, the subject Office Action contends that Kind teaches the present invention substantially as claimed. Applicants' representative respectfully

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disagrees. Rather, as noted, Kind, is directed to a system to resolve runtime method overloading and not to a system for facilitating interactions between entities based upon a common aspect as recited in the subject claim.

Specifically, as amended, independent claim 1 of the present application recites a system *for facilitating interactions between a first entity and a second entity via at least one common aspect, where the entities have a mismatched data type*. The subject Office Action concedes that Kind does not “teach the term facilitating interactions.” The Office Action continues by stating that Kind teaches “facilitating” through the reuse of the same method name for a method that accepts different parameter types. Clearly, this does not teach or suggest “*facilitating interactions*” between *entities via a common aspect* and having *a mismatched data type* as recited in amended independent claim 1 of the present application. Moreover, clearly, Kind does not disclose, teach or suggest a system and/or method of “facilitating interactions” between a “client” and a “server” as recited in dependent claim 2.

Applicants' respectfully submit that the rationale presented in the Office Action is an unacceptable and improper basis for a rejection under 35 U.S.C. §103. In essence, the Office Action bases the rejection on the assertion that it would have been obvious to do something not suggested in the art because so doing would provide advantages stated in Applicants' specification. This sort of rationale has been condemned by the CAFC; see, for example, *Panduit Corp. v. Dennison Manufacturing Co.*, 1 USPQ2d 1593 (Fed. Cir. 1987).

The present application discloses and claims that the data types may have common and uncommon aspects or facets (e.g., data and behavior). Applicants' representative respectfully submits that Kind is silent with regard to a system and/or method of facilitating interactions between entities having mismatched data types with common aspects as recited in independent claim 1. Rather, Kind simply discloses a system to access an application programming interface (API) file to retrieve methods that belong to the same class as a target method to select an appropriate method.

Further with respect to independent claim 1, Kind fails to teach or suggest *a data type identifier* adapted to identify whether the first entity and the second entity *have a mismatched resolvable data type*. Instead, Kind is directed to a system that utilizes

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inheritance relationships and conversion tables to remotely search for and identify an exact and/or best method in order to resolve at runtime.

Specifically, as illustrated in FIG. 1, Kind illustrates an apparatus for a runtime method overloading resolver. The apparatus comprises a resolver that resides on one or more computer readable media *which returns a resolved method*. (See, col. 4, ln. 36-39).

Additionally, in accordance with Kind, the resolver receives method information from a target method *and passes a class of the target method to an application programming interface file to retrieve one or more methods implemented by the class*. The one or more methods implemented by the class are passed to a method which does some processing to determine if there is an exact method for the target method. *If there is an exact method, it is returned as the resolved method*. If there is no exact method, a method is invoked to find the best method for the target method. The method *finds the best method by accessing inheritance relationships and conversion tables* to obtain a list of candidate methods and then determine if each target method parameter can be assigned to a corresponding candidate method parameter. If so, it passes the best method back to the method. *The best method is then returned as the resolved method*. (See, col. 4, ln. 39-57).

It is apparent that Kind is directed to a system to remotely look up an exact or best method as related to a target method and not a system and/or method to compare and resolve two individual data types based upon resident commonalities as claimed in the present application.

Therefore, the subject invention as recited in independent claim 1 (and claims 2-7 which depend there from) is not obvious in view of Kind. Accordingly, withdrawal of the rejection of claims 1-7 is respectfully requested.

Rejection of Claim 8 Under 35 U.S.C. §103(a)

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kind. As amended, claim 8 recites a computer readable medium containing computer executable components having similar limitations as independent claim 1 discussed *supra*. Therefore, applicants' representative respectfully asserts that, for at least these reasons, Kind does not teach or suggest the limitations of independent claim 8 of the

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subject application. Therefore, it is respectfully submitted that the rejection of this claim be withdrawn.

Rejection of Claims 9-18 Under 35 U.S.C. §103(a)

Claims 9-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kind. Claims 10-18 depend from independent claim 9.

As previously discussed, Kind is directed to a system whereby the resolver comprises a method for resolving method overloading at runtime. A method of a class is invoked to reference a reflection API file. If there are no parameters specified in the target method, the method *simply looks up the target method in reflection API* and returns an exact method having the same name as the target method. If there are parameters, the method searches through the list of all methods of the target method's class for a method having the same name and same number of parameters. For each method having the same name and same number of parameters, the method looks for a method comprising parameters that exactly match the parameters of the target method. If one is found, the method returns this exact method as the resolved method. (See, col. 10, ln. 29-43).

Clearly, Kind does not disclose, teach or suggest, comparing a first data type to a second data type to determine common features between the data types as recited in independent claim 9. Furthermore, Kind is silent with regard to creating an object of a third data type which includes features common to the first data type and the second data type recited in the subject independent claim.

Thus, clearly, Kind does not teach or suggest the limitations of independent claim 9 (and claims 10-18 which depend there from). Accordingly, this rejection should be withdrawn.

Rejection of Claims 19-22 Under 35 U.S.C. §103(a)

Claims 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kind. Claims 20-22 depend from independent claim 19.

Claim 19 recites a computer readable medium containing computer executable components having similar limitations as independent claim 9 discussed *supra*.

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Therefore, applicants' representative respectfully asserts that, for at least these reasons, Kind does not teach or suggest the limitations of independent claim 19 of the subject application. Thus, the limitations of claims 19-22 are not taught or suggested by Kind. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 23-25 Under 35 U.S.C. §103(a)

Claims 23-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kind. Claims 24-25 depend from independent claim 23.

Kind does not disclose, teach or suggest each and every aspect of independent claim 23 as amended. Specifically, for at least the reasons discussed *supra*, Kind is silent with regard to any system and/or method of comparing and resolving a first data type with a second data type as disclosed and claimed in the present application.

Therefore, Kind *et al* does not teach or suggest all limitations recited in the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 26-27 Under 35 U.S.C. §103(a)

Claims 26-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kind. Claim 27 depends from independent claim 26.

Claim 26 recites a system for facilitating interaction between two or more entities with mismatched data types having similar limitations as independent claim 19 discussed *supra*. Therefore, applicants' representative respectfully asserts that, for at least these reasons, Kind does not teach or suggest the limitations of independent claim 26 of the subject application. Thus, the limitations of claims 26-27 are not taught or suggested by Kind. Withdrawal of this rejection is requested.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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